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Tracy L. Morton (Signature)  
Tracy L. Morton  
Signature Date: July 17, 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application	)	<u>PATENT APPLICATION</u>
	)	
Inventor(s): Hermiston et al.	)	Art Unit: 1633
	)	
SC/Serial No.: 09/472,691	)	Examiner: Sorbello, E.
	)	
Filed: December 27, 1999	)	
	)	
Title: Adenovirus E1B Shuttle Vectors	)	
	)	

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INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56.

**Enclosed with this statement are the following:**

[X] Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.

[X] A copy of each cited document as required by 37 C.F.R. §1.98. Copies are *not* submitted of U.S. applications, 37 C.F.R. §1.98(a)(2)(iii), and copies are not submitted of documents already cited or submitted in a parent application from which benefit under 35 U.S.C. §120 is claimed, 37 C.F.R. §1.98(d). If any of the cited/submitted documents is in a foreign language, a concise explanation of relevancy is provided pursuant to 37 C.F.R. §1.98(a)(3). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. 57 F.R. 2021 (1/17/92). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement. 37 C.F.R. §1.98(c).

**This statement should be considered because:**

[ ] This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- 1) It is being filed within 3 months of the application filing date; or
- 2) It is being filed within 3 months of entry of a national stage; or
- 3) It is being filed before the mailing date of the first Office action on the merits,

whichever occurs last.

[X] Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, subsection (c) because:

- 1) It is being filed before the mailing date of a FINAL Office Action and before a Notice of Allowance (whichever occurs first)

--AND (check at least one of the following)--

- [ ] 1) It is accompanied by the \$220 fee set forth in 37 C.F.R. §1.17(p); or
- [X] 2) It is accompanied by a CERTIFICATION as set forth in 37 C.F.R. §1.97(e)

[X] **Fee Authorization.** The Commissioner is authorized to charge any fees associated with this communication to Deposit Account No. 15-0615 for any matter in connection with this communication, including any fee for extension of time, which may be required. A duplicate copy of this authorization is enclosed

Respectfully submitted,

Date: July 17, 2000

By: \_\_\_\_\_

  
Gregory Giotta  
Reg. No. 32,028

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3031 Research Drive  
Richmond, California 94806  
Telephone (510) 262-8710

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CERTIFICATION


(Attachment to Information Disclosure Statement)  
(Use only if required)

☒ 37 C.F.R. §1.97(e)(1). THE UNDERSIGNED ATTORNEY HEREBY CERTIFIES THAT each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application where the communication was mailed not more than three months prior to the filing of this statement; or

☐ 37 C.F.R. §1.97(e)(2). THE UNDERSIGNED ATTORNEY CERTIFIES THAT no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this statement.

Respectfully submitted,

Date: July 17, 2000

By:   
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